

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**KIMBERLY ANDRESS, and
GEORGE ANDRESS, Individually and as
H/W,**

Plaintiffs,

v.

**NATIONSTAR MORTGAGE, LLC,
Defendant.**

CIVIL ACTION

NO. 15-1779

ORDER

AND NOW, this 6th day of January, 2016, upon consideration of defendant Nationstar Mortgage, LLC's ("Nationstar") Motion to Dismiss Plaintiffs' Second Amended Complaint (Doc. No. 33, filed November 16, 2015) and plaintiffs' Response in Opposition to Defendant Nationstar's Motion to Dismiss Plaintiffs' Third [sic] Amended Complaint (Doc. No. 36, filed December 16, 2015), for the reasons set forth in the accompanying Memorandum dated January 6, 2016, **IT IS ORDERED** as follows:

1. That part of Nationstar's Motion to Dismiss which seeks dismissal of plaintiffs' claims under the Fair Debt Collection Practices Act ("FDCPA") (Count I) is **DENIED**.

2. That part of Nationstar's Motion to Dismiss which seeks dismissal of plaintiffs' claims for common law negligence (Count IV) and common law loss of consortium (Count VI) is **GRANTED**. Counts IV and VI of plaintiffs' Second Amended Complaint are **DISMISSED WITH PREJUDICE**.

3. That part of Nationstar's Motion to Dismiss which seeks dismissal of plaintiffs' claims under the Real Estate Settlement Procedures Act ("RESPA") (Count II), the Pennsylvania Unfair Trade Practices and Consumer Protection Law ("UTPCPL") (Count III), and the Equal Credit Opportunity Act ("ECOA") (Count V) is **GRANTED**. Counts II, III, and V of plaintiffs'

Second Amended Complaint are **DISMISSED WITHOUT PREJUDICE** to plaintiffs' right to file a third amended complaint within twenty (20) days of the entry of this Order if warranted by the facts and applicable law.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.